

This record is a partial extract of the original cable. The full text of the original cable is not available.

C O N F I D E N T I A L SECTION 01 OF 02 KINSHASA 001317

SIPDIS

E.O. 12958: DECL: 1.6X.6

TAGS: [MARR](#) [PGOV](#) [CASC](#) [CG](#) [MONUC](#)

SUBJECT: NKUNDA STALEMATE CONTINUES

Classified By: Poloff Meghan Moore for Reasons 1.5 B and D

1. (C) Summary: As of July 15, it is unclear whether ongoing negotiation attempts will end the stalemate with rebel commander Laurent Nkunda without a return to open conflict. Sustained rumors of an imminent FARDC attack on rebel positions in N. and S. Kivu have circulated for several weeks. As of July 15, however, the FARDC had not made a firm decision to start the offensive, and a number of diplomatic initiatives were still underway. Nkunda's poor negotiation history could provide the proximate cause for a serious GDRC offensive on Kalehe or Minova. Post will continue to monitor closely the fluid situation. End summary.

2. (C) Consistent, sustained rumors of an imminent FARDC attack on rebel positions in N. and S. Kivu have circulated for several weeks. As of July 15, however, the FARDC had not made a firm decision to start the offensive, and a number of diplomatic initiatives by the GDRC and the international community were still underway. In addition to recent talks in Brussels and ongoing talks in Washington, on July 9, Presidential Security Advisor Samba Kaputo told Charge that the GDRC would only use force if negotiations fail. On July 12, Nkunda told a MONUC delegation that he was not formally negotiating with the GDRC, but was in regular contact with old RCD/G associates. (Note: There are credible rumors that N. Kivu governor Eugene Serufuli may be negotiating with Nkunda on behalf of President Kabila. End note.)

MONUC-Nkunda Meeting

3. (C) On July 12, MONUC Kivus Brigade Commander Jan Isberg and Head of Office Alpha Sow met with Nkunda in Minova, S. Kivu to discuss peacefully ending the stalemate, and investigating an alleged July 10 attack by Nkunda's forces on S. Kivu FARDC troops, allegations of child soldier recruitment, illegal taxation and harassment of civilians. Over the past few weeks, Nkunda has presented an unreasonable laundry list of demands to be met before he and his compatriot, Jules Mutebusi, would consider exile from the DRC for a to-be-determined length of time. These requests have included:  
--amnesty for those convicted of the LD Kabila assassination  
--amnesty for all involved in recent fighting in the Kivus  
--the removal of General Mabe from the S. Kivu military region and prosecution for targeting Banyamulenge in early June  
--an investigation into the Banyamulenge genocide  
--reparations for Banyamulenge who were killed, fled to Rwanda, or were looted  
--integration, 'with honor,' of Nkunda's and Mutebusi's troops into the FARDC.

At the MONUC meeting, he presented two demands--- a thorough investigation by the transition government into crimes committed against the Banyamulenge and General Mabe's actions in early June, and to be able to peacefully return to Goma. He said he would not accept a military assignment outside the Kivus.

4. (C) Nkunda told the MONUC delegation that he had nothing to do with the July 10 attempted flanking attack on S. Kivu FARDC forces southwest of Kalehe in the Bushaka/Lemera area. He said he thought the attackers might have been local defense forces from the Nyabibwe area (a village located between Minova and Kalehe) or N. Kivu forces 'hunting the FDLR/Interahamwe.' Nkunda said he would not rule out attacking Bukavu or Goma, in part because he found General Obed's (N. Kivu military regional commander) orders to arrest him if he entered Goma unacceptable. (Note: On July 14, General Obed confirmed to poloff that he had been instructed by the FARDC hierarchy to issue an arrest warrant for Nkunda, would arrest him if he entered Goma, and was ready for an Nkunda-led attack against the city. End note.) A MONUC Child Protection Officer who participated in the meeting told polcouns that Nkunda was 'irrational' throughout the meeting.

Marching Towards Renewed Conflict?

5. (C) Although eastward troop movements have slowed, advanced planning for an offensive in eastern DRC continues, supplies continue to move east, and troops continue to move between eastern garrisons. As of July 12, many military

observers believed that the FARDC needed to attack before payday on July 30, and before its soldiers become demoralized and desert or start widescale looting and harassment of civilians. As of July 12, the FARDC reportedly had a plan of attack. However, on July 13, a MONUC official told polcouns that the FARDC 10th military region G-3 (Intelligence) officer forgot his briefcase with FARDC battle plans for the offensive in a car while he went into a bar outside Kalehe the night of July 12. When he came out, his briefcase was missing. At a minimum, the G-3 was imprisoned by the FARDC, and may have been killed.

16. (C) On July 14, General Mabe told MONUC Bukavu that fighting had broken out, but later revised his story to say only that he had sent a mixed group of about 500 GSSP, MLC and Mai Mai troops north from Bukavu towards Kalehe. He said these soldiers went as far north as the N./ S. Kivu border without meeting resistance and stopped. There were also unconfirmed reports of an unknown number of troops loyal to Nkunda retreating from Kalehe towards Minova (north of Kalehe and south of Goma) or Masisi (northwest of Kalehe). On July 13, about 10 small boats and attendant troops from the Navy arrived in Bukavu from Mbandaka to prevent attacks and/or resupply from Rwanda across Lake Kivu.

Comment

-----

17. (C) As of July 15, it is unclear whether ongoing negotiation attempts will end the Nkunda stalemate without a return to open conflict. FARDC's limited deployment which stopped short of entering N. Kivu may have been a warning shot to encourage Nkunda to seek a real, negotiated settlement, and a thinly veiled threat against N. Kivu Governor Serufuli and General Obed to get Nkunda under control before Kinshasa does. Nkunda's increasingly irrational behavior and past refusals to negotiate in good faith could render negotiation attempts useless, increase tension, and provide the proximate cause for a serious, GDRC offensive on Kalehe or Minova. Post will continue to monitor closely the fluid situation.

SCOTT